

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

JANE DOE, a minor, by and through her mother and next friend, MOTHER DOE,

CASE NO.: 1:23-cv-23004-JB

Plaintiff,

v.

ACADEMIR CHARTER SCHOOLS, INC.,  
and SUPERIOR CHARTER SCHOOL  
SERVICES, INC.,

Defendants.

/

**PLAINTIFF'S EXPEDITED MOTION TO STAY OR, IN THE ALTERNATIVE,  
TO EXTEND DEADLINES TO RESPOND TO DEFENDANTS'  
MOTIONS FOR SUMMARY JUDGMENT**

Plaintiff, JANE DOE (“Plaintiff”), by and through her undersigned counsel, hereby respectfully requests that the Court stay the deadlines for Plaintiff to respond to the Motions for Final Summary Judgment [D.E. 57, 64], filed by Defendants, ACADEMIR CHARTER SCHOOL, INC. (“Defendant Academir”) and SUPERIOR CHARTER SCHOOL, INC. (“Defendant Superior”), pending the Court’s ruling on Plaintiff’s Motion for Default Judgment and Sanctions. Alternatively, Plaintiff requests a 21-day extension of the current response deadline. In support, Plaintiff states as follows:

1. For the reasons set forth below, Plaintiff respectfully seeks a ruling on this Motion before the October 8, 2024, deadline to respond to Defendant Academir’s Motion for Summary Judgment
2. On September 24, 2024, Defendant Academir filed its Motion for Final Summary Judgment and Memorandum of Law [D.E. 57]. Plaintiff’s response is currently due on or before October 8, 2024.

3. On September 26, 2024, Defendant Superior filed its Motion for Final Summary Judgment and Memorandum of Law [D.E. 64]. Plaintiff's response to Defendant Superior's Motion is currently due on or before October 10, 2024.

4. Plaintiff's Motion for Default Judgment and for Sanctions [D.E. 34], originally filed on July 2, 2024, has been fully briefed and was recently addressed at an evidentiary hearing held on September 18, 2024. The motion details serious misconduct by the Defendants, including the fabrication of key evidence, providing false sworn statements, and withholding material evidence throughout the discovery process.

5. At the evidentiary hearing held on September 18, 2024, the Court requested that Plaintiff file a supplemental brief on the issue of the prejudice caused by Defendants' misconduct and the impact on Plaintiff's claims.

6. Accordingly, on September 27, 2024, Plaintiff filed her Supplemental Brief [D.E. 68].

7. Plaintiff respectfully requests that the Court stay the deadline for Plaintiff's response to Defendants' motions until these critical issues are resolved by the Court.

8. Here, good cause exists to stay the response deadline to ensure that Plaintiff is not required to address factual assertions and documents predicated on Defendants' misconduct, or to unnecessarily expend resources in responding to the motions when some or all of the issues may be mooted by the Court's issuance of sanctions.

9. Given that Defendants' motions rely on the very documents and testimony that are being challenged in Plaintiff's sanctions motion, the Court's ruling will likely have a profound impact on the summary judgment motions.

10. If, for example, the Court finds that Defendants perpetrated fraud on the Court, it could result in the case-dispositive sanction of default judgment or alternative sanctions that would materially alter the factual basis of Defendants' motions.

11. Requiring Plaintiff to respond now would place her at a significant disadvantage, as she would be forced to argue against evidence that the Court may later determine to be fraudulent or improperly withheld. This also risks the unnecessary duplication of Plaintiff's efforts and the use of judicial resources in addressing the additional and potentially moot filings. *See S.K.Y. Mgmt. LLC v. Greenshoe, LTD*, 2007 U.S. Dist. LEXIS 5109, at \*6 (S.D. Fla. Jan. 24, 2007) (noting that a motion to stay is appropriate where a pending motion to dismiss will "result in a resolution of the entire case").

12. Plaintiff's request is made in the interest of justice, as an extension will ensure the fair resolution of the issues before the Court and will not result in any prejudice to Defendants given that the requested stay is for a short period. *See Spencer Trask Software and Information Services, LLC v. Rpost International Limited*, 206 F.R.D. 367 (S.D.N.Y. 2002) (finding good cause where dispositive motion was filed and stay was for a short period of time).

13. Alternatively, Plaintiff requests a 21-day extension of the current response deadline to allow sufficient time to respond to the complex factual and legal issues presented.

**WHEREFORE**, Plaintiff respectfully requests that the Court stay the deadlines for Plaintiff to respond to Defendants' Motions for Final Summary Judgment until the Court resolves Plaintiff's Motion for Default Judgment and for Sanctions, or, alternatively, a 21-day extension of the response deadline.

**CERTIFICATE OF CONFERRAL**

Pursuant to Local Rule 7.1(a)(3), I hereby certify that counsel for the Plaintiff has conferred with counsel for the Defendants and was unable to resolve the issues addressed herein.

Dated: Miami, Florida  
October 2, 2024,

**DEREK SMITH LAW GROUP, PLLC**  
*Counsel for Plaintiff*

*/s/ Kyle T. MacDonald*  
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*[Certificate of service on the following page]*

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that a true and correct copy of the foregoing document is being served on October 2, 2024, on all counsel of record identified on the service list below via transmission of Notices of Electronic Filing generated by CM/ECF.

By: /s/ Kyle T. MacDonald  
Kyle T. MacDonald, Esq.

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